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**Report on the activities of the Office of Internal Oversight Services**

# Programme evaluation of the United Nations Stabilization Mission in Haiti

## Report of the Office of Internal Oversight Services

**"MINUSTAH proved resilient and mobilized effectively immediately after the earthquake, although its ongoing efforts to increase the capacity of the Haitian National Police and other rule of law institutions have faced challenges"**

*Summary*

The Office of Internal Oversight Services (OIOS) conducted a programme evaluation of the United Nations Stabilization Mission in Haiti (MINUSTAH) to assess, in relation to its mandate, the Mission's relevance and effectiveness after the January 2010 Haitian earthquake.

The earthquake posed new challenges to the country and to the Mission. Although MINUSTAH suffered heavy losses, immediately after the earthquake it proved resilient. It effectively responded to acute needs, which both the country and the international community found invaluable, since the Haitian Government's limited capacity was absorbed by the earthquake's aftermath. The dedication of the staff of MINUSTAH and the United Nations system, and the solidarity of the international community, made the Mission's response possible.

In 2011, as the country recovered and reconstructed, MINUSTAH stayed relevant by: realigning its activities; focusing on maintaining political stability; facilitating the continued delivery of humanitarian assistance; restoring and reinforcing the capacity of the Haitian National Police; and capacitating judicial and correctional institutions. While the Mission also proved vital in carrying out national elections, a mismatch between the population's expectations, the Mission's mandate and its resources, combined with the cholera outbreak and allegations of sexual exploitation and abuse diminished public appreciation of the Mission and its achievements.

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The earthquake unfortunately halted any progress made by the Mission and the Government leading up to January 2010. After President Martelly's inauguration in May 2011, MINUSTAH shifted from emergency and recovery efforts back to its core mandate of institutional and capacity-building, particularly in the area of the rule of law. However, a subsequent political deadlock forced the Mission to devote most of its efforts to facilitating basic political consensus. Accomplishing the objective of transforming the Haitian National Police into a capable security institution remained distant. As a result, the overall capacity of the National Police remains weak, and it continues to rely on United Nations police for extensive operational support. There is a lack of oversight of National Police officers, and mid-level officers need additional training to provide proper supervision for the expanding body of young cadets. In addition, parallel reforms of the judicial and corrections institutions were unrealized. Despite demand-side factors, MINUSTAH and the United Nations country team in Haiti lacked a strong, integrated approach to overall United Nations support of rule of law reforms. Even when there was joint planning at the strategic level, it did not extend to the operational and technical levels.

As MINUSTAH moves towards transition and eventual exit, strengthening the rule of law in Haiti should remain the Mission's most central and urgent task. Simultaneously, the Mission must manage the inflated expectations of its many stakeholders. The success of MINUSTAH's efforts in establishing the rule of law hinges on mutual accountability between the Government of Haiti and the international community, both of which must ensure political reconciliation and work to increase the Government's self-reliance and reduce its dependence on external support for the provision of security and other services. MINUSTAH, the Government of Haiti and the international community all share responsibility for the strengthening and the reform of key institutions.

The present report includes a number of recommendations, some of which are aimed at improving the Mission's performance while others draw attention and seek solutions to structural impediments it confronted in the areas of integration and human rights.

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# I. Introduction

1. In 2011, the Office of Internal Oversight Services (OIOS) conducted a programme evaluation of the United Nations Stabilization Mission in Haiti (MINUSTAH). The evaluation assessed the relevance and effectiveness of the Mission in carrying out its mandate after the earthquake of January 2010.

2. The earthquake created new challenges for the country and the Mission. Although MINUSTAH itself suffered heavy losses, it proved itself to be resilient immediately after the earthquake. It effectively responded to acute needs, which Haiti and the international community found invaluable, since the Haitian Government's limited capacity was absorbed by the earthquake's aftermath. The dedication of the staff of MINUSTAH and the United Nations system and the solidarity of the international community made the Mission's response possible.

3. The present report sets out the focus and methodology of the evaluation and provides background, briefly summarizing the Mission's history, mandate and resources. The results of the evaluation are presented, as are the conclusions and recommendations of OIOS to MINUSTAH and to relevant United Nations Departments.

4. When finalizing the report, OIOS consulted with MINUSTAH, the Department of Peacekeeping Operations and the Department of Field Support. The consolidated response from the Mission and the two Departments is contained in the annex to the report.

# II. Focus and methodology

5. The evaluation focused on the performance of MINUSTAH between January 2010 and December 2011. OIOS considered the earthquake's impact on the Mission and how effectively it adjusted to the changed environment. While considering the Mission's performance in delivering on its mandate of facilitating humanitarian assistance, the evaluation does not, however, cover the coordination or the effectiveness of humanitarian assistance nor does it provide a thorough analysis of MINUSTAH's response to the crisis.

6. The evaluation answered the following questions:

(a) To what extent has MINUSTAH provided support to the Haitian Government and population?

(b) Has MINUSTAH stayed relevant in a changing context?

(c) What were the challenges to the effectiveness of the Mission?

7. The evaluation used the following data collection methods:

(a) A review of relevant documentation, including United Nations internal and official documents and external literature on Haiti (policy papers, population surveys and reports of human rights organizations);

(b) Two separate surveys used to obtain views of the MINUSTAH staff members and uniformed personnel on the Mission's achievements, management and challenges:

(i) An electronic survey of a random sample of 600 MINUSTAH staff members. The staff survey was carried out between 28 November 2011 and 20 January 2012, with a response rate of 60 per cent.[1] The results of the survey were triangulated with other sources of information to support some of the results presented in section IV below;

(ii) A survey of 43 MINUSTAH commanders, including the Force Commander, the Deputy Force Commander, commanders of 25 military units and 16 formed police units. With a response rate of 30 per cent (13 respondents) and a 95 per cent confidence interval of 23 per cent, the results were not relied upon in the subsequent data analysis;

(c) 172 semi-structured interviews conducted in person or over the telephone with:

(i) MINUSTAH staff members;

(ii) Officials of the United Nations country team in Haiti;

(iii) Staff members of relevant Departments of the Secretariat;

(iv) Officials of the Government of Haiti;

(v) Representatives of United Nations Member States;

(vi) Other external stakeholders;

(d) Direct observation of the functioning of MINUSTAH headquarters and regional offices and United Nations police in three settlements for internally displaced persons in Port-au-Prince.

8. Four internationally recognized researchers and experts in the peace and conflict arena who reviewed the terms of reference for the evaluation, including its design and methodology, and the draft evaluation report, provided comments and feedback to OIOS.

## III. Background

9. In February 2004, the acting President of Haiti, Boniface Alexandre, appealed to the United Nations for international support to restore peace in the country. In response, the Security Council, by its resolution 1529 (2004), authorized the immediate deployment of a Multinational Interim Force in Haiti for a period of not more than three months. Subsequently, the Council, by its resolution 1542 (2004), established MINUSTAH, which formally took over authority from the Multinational Interim Force on 1 June 2004. Authorized under Chapter VII of the Charter of the United Nations, the Mission's mandate is to maintain a secure and stable environment, support political processes and promote and protect human rights. Four previous United Nations peacekeeping missions in Haiti had similar mandates.

10. After the 2006 elections in Haiti, the Security Council, in its resolutions 1743 (2007), 1840 (2008) and 1892 (2009), gave more prominence to the comprehensive reform of rule of law institutions, restructuring and building the capacity of the

[1] 99 per cent confidence level and a standard error of plus or minus 4.5 per cent.

Haitian National Police and supporting the Government in its efforts to pursue an integrated border management approach.

11. On 12 January 2010, a massive earthquake struck Haiti. The earthquake struck at a time when MINUSTAH was developing benchmarks and indicators of progress to guide its eventual exit from the country. The earthquake devastated the country and its people, causing massive structural damage and enormous material loss. Casualties at MINUSTAH reached 102 and included the most senior leaders of the Mission, representing the biggest loss of life for any single event in United Nations peacekeeping history.

12. In the aftermath, the Mission's leadership and command and control structure, and the United Nations ability to organize an emergency response to a crisis at the Headquarters and field levels, were tested. In response to the earthquake, the Security Council modified the Mission's mandate, increasing the overall force levels of MINUSTAH to support the immediate recovery, reconstruction and stability efforts from 6,940 to 8,940 military personnel and from 2,211 to 4,391 police.[2] MINUSTAH was requested to continue, within its mandate, its collaboration with the Office for the Coordination of Humanitarian Affairs and the United Nations country team in supporting the humanitarian and recovery efforts.[3] Its primary mandated task was to ensure a protective environment for all, including women and children.

Figure I
**MINUSTAH timeline: 2010-2011**

**Integrated strategic framework and budget**

13. According to its 2009-2012 integrated strategic framework (see table 1) MINUSTAH's overall objective was to help restore peace and security and further the constitutional and political processes in Haiti.[4] MINUSTAH's programme of work is organized into five components:

- Democratic development and consolidation of State authority
- Security, public order and development of the rule of law
- Human rights
- Humanitarian and development coordination
- Support.

[2] Security Council resolutions 1908 (2010) and 1927 (2010).
[3] Security Council resolution 1927 (2010), para. 5.
[4] A/63/709.

Table 1
**MINUSTAH integrated strategic framework: 2009-2012**

| *Components* | *Expected accomplishments* |
|---|---|
| 1. Democratic development and consolidation of State authority | 1.1 All-inclusive political dialogue and national reconciliation in Haiti |
| | 1.2 Strengthened democratic State institutions at the national and local levels |
| | 1.3 State authority maintained and strengthened throughout Haiti |
| 2. Security, public order and development of the rule of law | 2.1 Secure and stable environment in Haiti |
| | 2.2 Progress towards reform and restructuring of the Haitian National Police |
| | 2.3 Reform and institutional strengthening of the judicial and correction systems |
| 3. Human rights | 3.1 Progress towards the promotion and protection of human rights, including those of women and children |
| 4. Humanitarian and development coordination | 4.1 Improved humanitarian situation and progress towards economic recovery and poverty reduction |
| 5. Support | 5.1 Effective and efficient administrative, logistical and security support to the Mission |

*Source*: A/63/709, A/65/535, A/65/776 and A/66/658.

14. While the integrated strategic framework 2009-2012 has not undergone significant changes, the Mission realigned its operations to meet four new priorities during the emergency and three crisis response periods (see figure I):[5]

(a) Maintaining political stability in the wake of the loss of State capacity and the postponement of elections;

(b) Restoring the capacity of the national police and judicial and correctional institutions to ensure security and the rule of law;

(c) Increasing State capacity to protect the rights of vulnerable groups affected by the earthquake, in particular women and children;

(d) Ensuring effective delivery of humanitarian aid and a well-resourced recovery process.

15. The approved resources for MINUSTAH were $732 million for 2010 and $853 million for 2011.

[5] A/65/776, para. 13.

# IV. Results

16. An assessment of MINUSTAH's performance immediately after the earthquake and of how well it adapted to the new priorities the earthquake's aftermath is presented below, including the Mission's accomplishments in its key mandated areas.

## Imm diately after the earthquake, MINUSTAH demonstrated tremendous resilience in providing logistical support and facilitating coordinated emergency relief while recovering from its own losses

17. Immediately after the earthquake, when communications and access were difficult, MINUSTAH performed effectively in assuring security, providing transportation and coordinating the influx of humanitarian assistance (including numerous search and rescue teams). Partners and stakeholders praised MINUSTAH for its excellent performance under extremely difficult conditions, which included its own heavy losses of leadership, personnel and property.[6] The Mission quickly restored its leadership and command structure through the reassignment of personnel from Headquarters and other field missions. Additional resources made available by the Member States, the full delegation of authority by the Secretary-General over the utilization of resources, the dedication of MINUSTAH staff members and the solidarity of all United Nations offices contributed to the Mission's success during that time.

18. MINUSTAH proved vital to an efficient immediate recovery and the continued functioning of the entire United Nations presence in Haiti. By opening its logistical hub and regional offices to the United Nations country team and the wider humanitarian community, the Mission offered pragmatic solutions to meet overwhelming needs for accommodation, office space, water and food. Some agencies reported that they could not have operated without the support of the Mission.

19. Before the full deployment of the capacities of the Office for the Coordination of Humanitarian Affairs, the Mission facilitated the activities of the wider humanitarian community by leading the coordination of humanitarian assistance efforts, filling this important gap at a time when the leadership of the United Nations humanitarian assistance team was weak.[6] Since Haiti had no warring parties (unlike the situation at other peacekeeping missions), humanitarian workers were less concerned with the potential challenges to the humanitarian principles that might be posed by associating with the military. In that atmosphere, a relatively comfortable and productive relationship between humanitarian workers and the Mission evolved.

20. In response to the loss of life of key personnel in the Expanded Joint Operations Centre and the increased number of actors involved in the post earthquake response (including the presence of foreign military contingents from Canada, France, Italy, Spain, the United States of America and the States members of the Caribbean Community (CARICOM)), the Joint Operations and Tasking

[6] Inter-agency evaluation in Haiti: three months after the earthquake, August 2010.

Centre was established by MINUSTAH and the Office for the Coordination of Humanitarian Affairs to facilitate relief operations undertaken by the humanitarian cluster's partners and to establish liaison with foreign military disaster relief operations. The Centre streamlined requests for security escorts, minor engineering works and logistical support and also consolidated and shared updated security information. It functioned efficiently and relieved some of the coordination pressure from the Joint Logistics Operations Centre, which was thus free to focus on coordinating the considerable logistical needs of the Mission in managing its own post-earthquake recovery.

21. In light of the fact that the earthquake had caused the Government of Haiti to lose much of its capacity, MINUSTAH stepped in to fill the vacuum, providing indispensable logistics, communications, public information and infrastructure support. The Mission used its engineering assets to remove rubble and clear roads so that humanitarian assistance could reach the most damaged areas as quickly as possible. While commercial radio stations were unable to function immediately after the earthquake, MINUSTAH radio was in operation.

## MINUSTAH established post-earthquake security, effectively provided electoral support and facilitated humanitarian assistance

22. From January 2010 to June 2011, Haiti was in a state of emergency.[7] As the country was recovering, MINUSTAH focused on three critical priorities, which are discussed in greater detail below:

(a) Ensuring a stable and secure environment;

(b) Providing electoral support and restoring State capacity;

(c) Facilitating the effective delivery of humanitarian assistance and crisis response.

### Stability and security

23. Most stakeholders interviewed recognized the role of MINUSTAH in establishing a relatively stable and secure environment in the post-earthquake period. While the main threats to Haiti's security had been crime, civil unrest and natural disasters, no general breakdown of law and order occurred after the earthquake, despite heightened security risks, as exemplified by the majority of the prison escapees remaining at large and an increase in demonstrations during the election period.

24. To counter those threats, during the period under review, MINUSTAH military and police components carried out a large number of patrols, either alone or jointly with the Haitian National Police, and conducted targeted operations in high-risk areas. Between July and December 2010, the Mission carried out 47,814 patrols in settlements of internally displaced persons. Military and police reinforcement deployed fairly quickly. By June 2010 the number of deployed military personnel reached 96 per cent of the total authorized strength. For United Nations police the figure was 80 per cent.

[7] S/2010/200 and Corr.1.

25. MINUSTAH also responded to the population's growing vulnerability to new security risks and adjusted its security support measures accordingly. For example, the Mission conducted joint security assessments of settlements of internally displaced persons and created an internally displaced persons camp unit, which included a gender-based initiative. United Nations police maintained a presence in seven of the camps, and patrolled them (jointly with the Haitian National Police when available).[8] To deter crime, mobile squads patrolled other settlements and surrounding areas.

26. The population recognized the impact of those efforts. An external survey of 600 households in the metropolitan Port-au-Prince area in August 2011 showed that "the majority of Haitians believed that MINUSTAH was helping to control gang activities".[9] Similarly, the OIOS survey of MINUSTAH staff showed that 57 per cent of respondents rated the Mission's achievement in providing a secure environment as either good or excellent. Of MINUSTAH's partners, 52 per cent considered that its role in maintaining security was crucial.

Table 2
**MINUSTAH staff rating of the Mission's progress: 2010 and 2011**

| | *Good or excellent (Per cent)* |
|---|---|
| Providing security in select camps for internally displaced persons | 60.4 |
| Maintaining a secure and stable environment | 56.9 |
| Assisting in effective delivery of humanitarian aid and a well-resourced recovery process | 55.1 |

*Source*: MINUSTAH staff survey administered by OIOS, question 8.

27. Nevertheless, security conditions in Haiti remain fragile. The country faces continuing challenges, including inadequate security in large settlements for internally displaced persons, more frequent occurrences of sexual and gender-based violence and a resurgence of crime. The need for protection in temporary settlements, particularly for women and children, have far outstripped what the Haitian National Police and the United Nations police can jointly provide. The level of insecurity experienced by individuals living in temporary settlements exceeds that of the general population.[10]

### Electoral support

28. MINUSTAH's role was critical to the success of the 2010-2011 elections. Stakeholders frequently reported that without MINUSTAH's support the elections would not have occurred. Given the slow progress of recovery and reconstruction at the time of elections, Haiti needed national leadership at the highest level. Electoral success was crucial to the country's stability. To assist in organizing the elections,

[8] Corail, Jean-Marie Vincent, Terrain Accra, Accra Nord/Sud, Champs de Mars, Carradeux and Pétionville-Club.

[9] See Grant Gordon and Lauren Young, "Haitian perspectives on MINUSTAH before the renewal of the mandate", Columbia University, Oct. 2011.

[10] See Robert Muggah and Athena Kolbe, "Security from the Bottom-up in Haiti: Before and After the Quake", Nov. 2011 (see http://embassymag.ca/page/view/muggah-11-02-2011).

MINUSTAH mobilized its technical knowledge, personnel, logistic and security resources, trained its Haitian counterparts, delivered ballots and materials, escorted and protected election observers and took the lead in coordinating the various entities providing international electoral assistance.

29. The Special Representative of the Secretary-General used his good offices, in collaboration with the international community, to help resolve the controversy over irregularities in the first round of presidential voting. This facilitated an outcome that was acceptable to key actors and led to a relatively successful second round. The election of a new President and the peaceful transfer of power, albeit after a turbulent process, including substantial political consultations behind the scenes, was a great success.

30. Electoral support, given its time-bound and action-oriented nature, normally involves transfer of knowledge to national counterparts. However, in Haiti, owing to the provisional nature of the electoral council and the restructuring of regional and communal electoral offices, few capacities were retained at the institutional level. In the post-election periods, MINUSTAH often did not have a national counterpart with whom to continue ongoing capacity-building activities. The Government's weak capacity, and the absence of a permanent electoral council, were unresolved issues during the period under review, and Haitian elections continued to rely on external support.

**Facilitating humanitarian assistance and restoring the capacity of the Government**

31. MINUSTAH's reach in all Departments of the country, its knowledge of the local communities and terrain and its established networks with national counterparts proved invaluable to the efficiency and success of relief operations. MINUSTAH supported and facilitated humanitarian assistance both in the immediate aftermath of the earthquake and beyond. Support took the form of security escorts, clearing roads and other civil-military joint actions. The Mission also used its military engineering and logistics assets to help the Government (particularly the key rule-of-law institutions) continue its operations (for example, building temporary structures for courts, police and other institutions). Such efforts, enabled by Security Council resolution 1927 (2010) and the special measures to loan United Nations-owned equipment to the Haitian Government, were critical in filling capacity gaps and ensuring the continued functioning of the Government as it struggled to recover.[11]

## A mismatch between the population's expectations of MINUSTAH, its mandate and its resources, combined with the cholera outbreak, sexual exploitation and allegations of abuse, diminished public appreciation of the Mission and its achievements

32. With the exception of its role in maintaining stability and security, the Haitian population, in general, has little understanding of MINUSTAH's mandate.[9] In this regard, it is important to understand that in the post-earthquake period there was a great deal of confusion owing to the wide variety of tasks the Mission was carrying out, while the civilian arm of MINUSTAH and its work were not widely known.

[11] See S/2010/446, para. 30, and S/2011/183, paras. 37-41.

Due to the high visibility of the troops, MINUSTAH was sometimes equated with its military component alone.[10]

33. Expectations of MINUSTAH were significantly higher than what the Mission had been mandated to deliver in terms of assisting and supporting the Government of Haiti. Even some Government officials expected the Mission to supplement what the Government was lacking in capacity and resources and to develop the infrastructure of the country.

34. In the Departments, particularly in remote areas where the Government's presence was either limited or absent, the public expected MINUSTAH to provide services and to improve living conditions. In some cases, when funding was available, MINUSTAH intervened to bring some relief, but it was not resourced to fully meet wide-ranging expectations.

35. For example, some expected the medical services of the military contingents to be made accessible to the local population both before and after the crisis period. However, as governed by the memorandums of understanding with troop-contributing countries, such medical services are primarily for soldiers, and any other use would be at the discretion of the contingent commanders. During emergencies, or as part of civil-military cooperation initiatives, the medical services of some contingents have been opened to the local population, although on an ad hoc basis and on a limited scale. Neither MINUSTAH nor the military contingents had enough additional resources to sustain such practices routinely.

36. The mismatch between the population's expectations of the Mission and its mandate and resources caused frustration and disappointment. The cholera outbreak and the allegations of sexual abuse against MINUSTAH personnel contributed to negative perceptions of the Mission. External survey data showed that the majority of Haitians believed the Mission brought cholera to Haiti.[10] Some antagonism resulted, limiting staff mobility and interaction with the population, and obstructing the Mission's ability to carry out its work.

**Quick-impact projects were widely used after the earthquake both to bring relief and build public confidence in the Mission**

37. Quick-impact projects offered a means to increase the visibility of and public confidence in MINUSTAH. Most substantive components of the Mission used such projects to provide limited support to communities in need. While the budget for the projects remained at $7.5 million,[12] the budget ceiling for each project was raised, exceptionally, from $25,000 to $100,000.[13] Staff members involved in implementing the projects reported that the lower project limit had impeded the full potential of the projects to "win hearts and minds" and that the higher project ceiling was needed and valued.

38. There were a number of challenges to the implementation of the projects: project selection criteria were too general to provide useful guidance for project formulation; finding suitable implementing partners with needed technical expertise was difficult; and, at times, lengthy document processing and delays in issuing payments hindered project implementation and potentially weakened their

[12] A/C.5/65/19 and A/65/776.

[13] See A/65/776, sect. V.A.

confidence-building effect. Concerns were also expressed over the adequacy of engineering expertise at both the project review and implementation phases. Of the 229 projects implemented in 2010/11, 182 involved the rehabilitation of public infrastructure and the delivery of basic public services.

## Although MINUSTAH made efforts to measure progress in its integrated strategic framework, the indicators of achievements still have limitations

39. An analysis of MINUSTAH's strategic framework showed that all except one indicator of achievement for its four substantive components (democratic development and consolidation of State authority; security, public order and development of the rule of law; human rights; and humanitarian and development coordination) are contingent on either the actions by the host Government or external factors beyond the Mission's control. For the latest reporting period, only 12 were achieved while 18 others were not. Two were partially achieved owing to the effect of external factors, including unpredictable political instability associated with the election cycle, lack of funding, low government capacity and/or lack of political will. These indicators of achievement represented well-intended efforts by MINUSTAH to measure outcomes, and clearly the Mission has made an effort to demonstrate trends when setting goals. However, they still have limitations and are not sufficient for informing judgement with regard to the Mission's impact in Haiti over time. Some indicators referred to one-time events, which did not allow for the detection of changes over time. Some examples of such indicators are provided below:

**Component 1**

1.1.2 Adoption of a bill on political party financing

1.2.1 Adoption by Parliament of a law on financial authority and accountability of local government structures and local tax reforms

1.3.4 Adoption of local tax reform enabling local authorities to increase their own resources of revenue

**Component 2**

2.3.4 Establishment of the Superior Council of Judiciary

**Component 3**

3.1.4 Ratification by Parliament of one of the three international child-rights treaties yet to be ratified.

## MINUSTAH's efforts to build institutional capacity remained a key challenge to success after the earthquake

40. After the earthquake, MINUSTAH concentrated its efforts on three key distinct but related activities:

(a) Bolstering the Government's capacity to continue functioning;

(b) Supporting humanitarian assistance;

(c) Providing electoral support.

However, MINUSTAH's capacity-building efforts, in particular in institutional capacity-building in the rule-of-law sector, were brought to a halt by the earthquake and the ensuing political uncertainty, including the prolonged electoral cycle and delay in the formation of a government. The momentum gained prior to 2010 was lost.

41. Training and technical assistance to Haitian authorities became limited and only started to recover in 2011. The second progress report on implementing the integrated strategic framework for Haiti (2011) reported that, in the first half of 2011, among the five areas of work (institutional, territorial, economic, and social rebuilding and creating an enabling environment), institutional rebuilding (particularly in the areas of border management and strengthening of the justice system) showed the least progress.

42. MINUSTAH's efforts to build capacity during the period under review cut across all areas of its work. The Mission typically used technical assistance, coaching and advice to enhance the skills and capacities in various State institutions (including Parliament, the Ministry of Interior, justice sector institutions, the Haitian National Police and the Directorate of Penitentiary Administration). At the Departmental level, MINUSTAH provided extensive support to mayors, delegates and regional and communal electoral offices. Through collaboration with the United Nations Development Programme (UNDP), MINUSTAH recruited national officers to provide technical advice to some Government offices.[14] Such assistance was provided at both the national and commune levels. While the Mission met some demands for assistance, it could not meet all of them.

43. The strengthening of institutional capacity depends to some degree on the ability and the political will of the recipient to absorb assistance. In Haiti both of these elements were lacking at times. The lengthy period without a functioning Government impeded MINUSTAH's ability to build Governmental capacity. As new government officials took office, previously trained Government personnel were often not retained, and institutional memory and capacities were lost, with Mission personnel often serving as a stand-in for institutional memory and capacity. For example, MINUSTAH supported the preparation of the activity reports of the 140 communes for 2006-2011, which facilitated the transfer of power. With local authorities functioning at a low level due to inadequate resources and limited authority, it was difficult to build and sustain capacity.

## While MINUSTAH provided valuable support to the Haitian National Police, the objective of the force becoming a capable security institution has not been attained

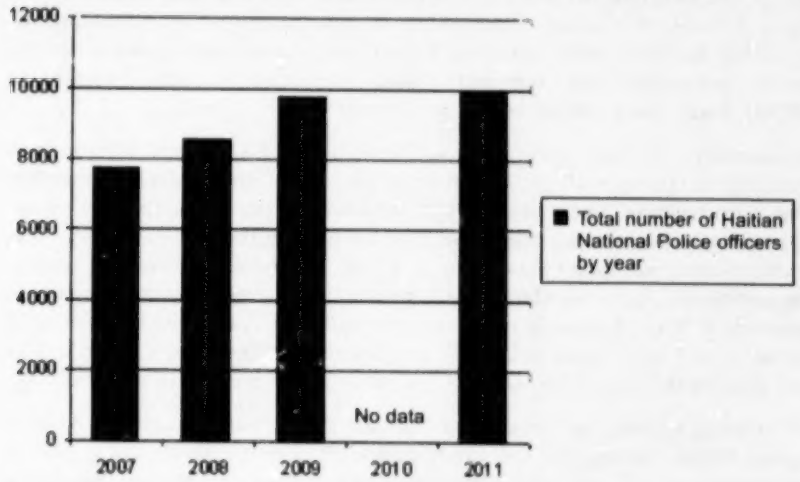
44. In addition to providing operational support, United Nations police were mandated to assist the Government of Haiti to reform and restructure the Haitian

[14] See S/2011/183, para. 37.

National Police.[15] Before 2010, some visible progress had been made: the Government had adopted a Haitian National Police reform plan 2000-2005 and the total number of Haitian police officers had grown steadily, albeit slowly.[16] Coupled with a significant decline in kidnapping cases, public confidence in the National Police had increased.[17]

Figure II

**Increase in the total number of Haitian National Police: 2007 to 2011**




*Source*: S/2011/540, para. 21; S/2010/446; S/2009/439, para. 32; S/2008/586, para. 26; and S/2007/503, para. 34. For 2010, no increase in numbers was reported as the police training programme was suspended after the earthquake.

45. Public confidence in the Haitian National Police continued to grow during 2010 and 2011. A 2010 household survey[18] showed that more than two thirds of those polled would first turn to the National Police if they or their property were under threat. Data from a survey of a different portion of the Haitian population in 2009 suggest that public confidence may have increased.[19] Other studies have cited Haitian poll results that ranked the National Police as the most reliable state institution.[20,21] The visibility of the National Police in the streets shortly after the earthquake demonstrated the resilience of the force to the tremendous challenges it

[15] Security Council resolution 1892 (2009), para. 10.

[16] The objective of the 2006-2011 national reform plan for the Haitian National Police was to reach a total of 14,000 officers by 31 December 2011.

[17] See Athena Kolbe et al., "Mortality, crime and access to basic needs before and after the Haiti earthquake", *Medicine, Conflict and Survival*, Vol. 26, Issue 4.

[18] The survey was administered by researchers affiliated with the International Development Research Centre, the Small Arms Survey and UNDP.

[19] Athena Kolbe and Robert Muggah, "Securing the State: Haiti Before and After the Earthquake", Small Arms Survey, *Small Arms Survey 2011: States of Security*.

[20] See Keith Crane et al., "Building a More Resilient Haitian State", RAND Corporation, 2010.

[21] See Timothy Donais, "Reforming the Haitian National Police: From Stabilization to Consolidation", in A. Thompson and J. Heine, eds., *Haiti's Governance Challenges and the International Community*, Wilfrid Laurier Press, 2010.

faced.[21] MINUSTAH contributed to these achievements through its continuous support in building and strengthening the force's operational capability.

46. In 2010-2011, the overall performance of the Haitian National Police still needed improvement. Corruption was reportedly widespread and there were reports of unprofessionalism, including the excessive use of force, human rights violations and poor investigation skills.[20] Some perceived that, since 2004, the quality of the National Police had only marginally improved, and few believed that it would be possible for MINUSTAH to transfer responsibility for security to the National Police over the next few years. Stakeholders sensed that progress in building the capacity of the National Police was fragile and that it could deteriorate when the Mission is disbanded. The National Police continued to rely heavily on MINUSTAH, particularly outside of Port-au-Prince.[20]

47. Furthermore, in 2010 the earthquake diverted MINUSTAH's efforts from police training to coping with the fallout from the natural disaster, which included rebuilding infrastructure. The training programme was suspended as the Parliament, with its quarters destroyed, temporarily used the facilities of the Police Academy. The recruitment process was delayed because of a lack of funding for medical testing. Since the earthquake, only one class (of 877 officers), the twenty-second promotion, has graduated. In 2010, the steady increase in the number of officers witnessed since 2004 halted — to resume again in 2011.[22] The disruptions caused by the earthquake may have reduced the size of the National Police by approximately 17 per cent.

48. The training strategy for the Haitian National Police was not optimal. At first, training was mainly focused on the lower ranks. As a result, there was a lack of training of mid-level officers, which ultimately affected the operational capacity of the force. Mid-level officers play an important role in overseeing and supervising often inexperienced police officers. In addition, training initiatives were often uncoordinated, and donors routinely implemented their own programmes that did not feed into a coherent training curriculum or strategy.

49. The earthquake also halted the vetting process for national police officers. Vetting helps ensure that officers meet ethical and professional standards, which contributes to restoring confidence in the Haitian National Police. Prior to the earthquake, MINUSTAH had played a key role in the vetting process.[23] Together with the Haitian National Police, MINUSTAH had initiated more than 7,000 vetting files, and had finalized roughly half of them.[24] While the vetting process had examined many case files, there was little action on results that revealed ethical and/or professional issues. While 138 officers had been deemed unfit for service, none had been relieved of duty,[24] with some cases still pending a final decision by the Conseil Supérieur de la Police Nationale after more than two years.

50. United Nations police had difficulty in finalizing the last stages of the vetting process. Many perceived a lack of commitment to reform both on the part of the Government and the Haitian National Police, although the slow progress could also be attributed to difficulties in obtaining reliable background information and keeping the joint vetting unit fully staffed. If a professional and ethical police force is to be established, the vetting process must be improved with respect to timeliness and

[22] Draft Haitian national police development plan 2012-2016, sect. D (obtained in Oct. 2011).

[23] Keeping Haiti Safe: Police Reform, International Crisis Group, 2011.

[24] Latest figure, as provided by MINUSTAH.

appropriate action must take place when the process identifies officers who are unfit for duty.

51. Many factors diminished the effectiveness of the support provided by United Nations police to the Haitian National Police. For instance, the MINUSTAH police component drew its personnel from over 50 police-contributing countries,[25] which resulted in substantial differences in officers' backgrounds and qualifications. With no common framework for various United Nations police functions, the approaches of individual officers sometimes resulted in confusion among their counterparts in the National Police. In addition, certain stakeholders questioned the competencies of some United Nations police officers to instruct or mentor Haitian police officers, owing in part to mismatches between an officer's skills and the functional requirements of a particular position.

52. The lack of French and/or Creole language skills of many United Nations police officers affected communications and trust-building in day-to-day cooperation. Both French- and Creole-speaking United Nations police officers were in high demand, and the Haitian National Police stated that cooperation and co-location with officers who did not share a common language were not effective. Language assistance was reported to be insufficient, and in temporary settlements for internally displaced persons there was reportedly no access to interpreters and/or translators.

53. The United Nations police saw political commitment as a prerequisite for the Mission in order for it to effectively support the Haitian National Police and for the success of police reform. Dialogue between MINUSTAH and the higher levels of National Police on police reform was reportedly limited, and the political vacuum in the Government for most of 2011 had worsened that situation. Without greater commitment on the part of the Government to reform and develop the National Police, the institutional and operational capacities of the force will remain weak.

## MINUSTAH's support to strengthen rule of law in Haiti suffered multiple setbacks

54. Progress in building strong rule-of-law institutions has been insufficient. Compared with progress made in building the capacity of the Haitian National Police, progress in reforming the justice and corrections sectors lagged, accentuating the need for a comprehensive approach to the reform of the penal system. Numerous studies suggest that police reform would not succeed without parallel reforms of other rule-of-law institutions, including coordination among them.[26,27]

55. MINUSTAH's efforts in applying an integrated response to the rule-of-law challenges suffered multiple setbacks. In the first half of 2011, MINUSTAH discussed with key stakeholders a rule-of-law compact initiative that would serve as a tool to: (a) strengthen public demand for justice and legal security; and (b) ensure coordinated support from donors and the private sector for security and justice

[25] Troop statistics available from http://www.un.org/en/peacekeeping/resources/statistics/.

[26] See *World Development Report 2011: Conflict, Security and Development*, World Bank, Washington, D.C., 2011.

[27] The Organization for Economic Cooperation and Development *Handbook on Security System Reform* also underscores that police reform must be done as part of an integrated justice sector reform that includes the judiciary and prisons.

sector reforms.[28] However, the compact lost steam as political progress in Haiti was stymied by the legislative rejection of two nominees for the position of Prime Minister. After taking office, the new Government was not enthusiastic about reviving the rule-of-law compact discussions. Instead, it expressed interest in deliberating a national road map, highlighting priorities.

56. The Rule of Law Policy Group, formed in 2009 by MINUSTAH and the United Nations country team to strengthen sectoral coordination, did not visibly enhance operational coordination at the three intended levels: within the Mission, between Mission sections and members of the country team, and between the field and Mission headquarters. Over the past few years, however, MINUSTAH and UNDP have had joint programmes in selected areas of policing and justice. In this regard, MINUSTAH staff felt that cross-section/component coordination was lacking and that activities were planned and implemented in silos.

57. MINUSTAH has a position for a Rule of Law Coordinator, a position that carries significant authority given that it comes with responsibility for overseeing and prioritizing the Mission's activities in this arena. While efforts to empower the Coordinator were thwarted by the earthquake-induced halt to the Mission's capacity-building activities, ambiguity in reporting lines between the Rule of Law Coordinator and the relevant sections of MINUSTAH, such as the Justice Section and the Corrections Unit, may also have impacted the Mission's progress in this area. The intended leadership role envisioned for the Coordinator has not been realized, as demonstrated by the fact that the activities implemented by the Coordinator's office and the Justice Section sometimes overlap. At the time of the present evaluation, the Coordinator position had been vacant for more than six months. The Mission is re-evaluating the position in the context of adjusting its overall approach to building capacity and institutions.

58. Although building institutions, particularly in the rule-of-law arena, was viewed as a top priority for MINUSTAH going forward, it was unclear that the Mission and the United Nations country team in Haiti had a coherent strategy to do so since there were no imminent plans to revitalize the Rule of Law Policy Group to develop such a strategy.

### Although effective integration with the United Nations country team is crucial for the transition, it has remained a challenge

59. MINUSTAH's field-based integrated strategic planning was active in the high-stress period after the earthquake. Compared with 2009, marked improvement was observed in relations between MINUSTAH and the United Nations country team in Haiti, as evidenced by more free-flowing communications and openness to engagement. This positive change was attributed to the development and implementation of the integrated strategic framework, the physical proximity of MINUSTAH and the country team and the engaging personalities and management styles of the senior leaders. Many anecdotal examples of constructive collaboration between MINUSTAH and the country team were provided.

60. While consensus was reached in strategic planning, it did not necessarily translate into better coordination or a more integrated approach at the technical and

[28] S/2011/183, paras. 42 and 43.

operational levels. Efforts to further integration, while commendable, were still mired in process. With regard to any increase in the joint nature of programme activities, very few systematic changes were discernible. Some partners stated that the United Nations presence in Haiti could deliver better as "One United Nations" by staying more informed about and by coordinating their programmes to a greater extent, at least within specific sectors.

61. Mission staff members saw gaps in communication and coordination with their agency counterparts. This was particularly evident in regions where the presence of United Nations agencies was limited and where the regional offices of MINUSTAH did not always have a regular channel of communication with the headquarters of the concerned agencies in Port-au-Prince. The level of coordination between regional offices of MINUSTAH and the country team varied between regions and was often determined by the initiative of individual staff.

62. The extensive demands in Haiti and increased donor contributions, which grew in the post-earthquake period, have resulted in a broader range of activities being carried out by United Nations entities. Most focus areas are interconnected, inevitably resulting in overlaps between the work of MINUSTAH and the United Nations country team. While such overlaps can be beneficial, in order to avoid duplication and inefficiencies, actors should coordinate, using complementary skills and resources.

63. The difficulties in realizing integration in Haiti are not atypical. The underlying issues are similar to those faced by the United Nations in its drive to achieve greater system-wide coherence in development assistance. These issues include differences in planning and funding cycles, sources and predictability of funding and lines of accountability to governing bodies.[29]

64. In addition, overlapping and discontinuity in international assistance in the areas of humanitarian assistance, development and security are not unique either to the United Nations or to Haiti. Concurrent interventions bring with them goals and activities that are not totally complementary and can at times work at cross-purposes. Funding streams from multilateral, bilateral and private sources, and different processes and speeds of decision-making, would complicate the coordination of international players in any country.[26] For these reasons, expectations of how quickly or how much further MINUSTAH will be able to integrate with the United Nations country team in the next couple of years must be realistic.

65. Nonetheless, the decision of the Secretary-General's Policy Committee on Haiti (decision 2011/24), and MINUSTAH's key planning documents for the near future set a clear direction that articulates requirements for progress and calls for the pertinent parties, the Government, MINUSTAH and the United Nations country team in Haiti, to join efforts. How well an integrated plan will be implemented remains to be seen. MINUSTAH's performance will depend, in part, on how well other United Nations agencies will deliver against the commitments they have made in an integrated plan and vice versa.

[29] See A/64/589.

### After the earthquake, extended responsibilities to protect added complexity to pre-existing programme arrangements for implementing MINUSTAH's human rights mandate

66. The Human Rights Section of MINUSTAH has the role of mainstreaming human rights into the work of the Mission and monitoring and reporting on the related country's situation. As is typical at United Nations integrated peacekeeping missions, the Section also served as the representation in Haiti of the Office of the United Nations High Commissioner for Human Rights (OHCHR), and after the earthquake it led the protection cluster for the global protection cluster (rather than the Office of the United Nations High Commissioner for Refugees (UNHCR) leading it).[30]

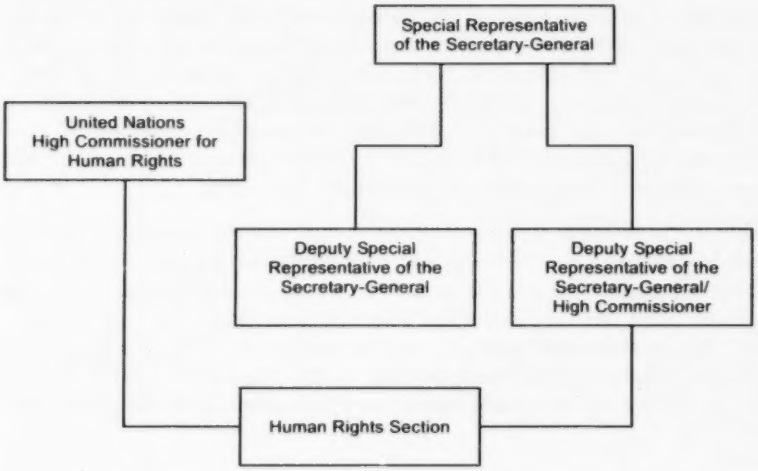
67. Thus, the staff of the Human Rights Section had three separate reporting lines, to:

(a) The United Nations High Commissioner for Human Rights (as the representative of OHCHR in Haiti);

(b) The Special Representative of the Secretary-General through the Deputy Special Representative of the Secretary-General (for political affairs);

(c) The Special Representative of the Secretary-General through the Deputy Special Representative of the Secretary-General/Resident Coordinator/Humanitarian Coordinator, who is in charge of humanitarian and development issues (as the protection cluster lead).

Figure III
**Reporting lines of the MINUSTAH Human Rights Section**


Special Representative of the Secretary-General
United Nations High Commissioner for Human Rights
Deputy Special Representative of the Secretary-General
Deputy Special Representative of the Secretary-General/ High Commissioner
Human Rights Section

68. The double-hatting, representing both MINUSTAH and OHCHR, is intended to allow the Section to promote and implement a "One United Nations" approach to human rights (see figure III). Operationally, double-hatting means that the Section

[30] UNHCR had two liaison officers in Haiti.

must submit separate budgets, workplans and annual reports. These demands not only increase the Section's workload but also pose difficulties for it in terms of ensuring a unified and coherent vision.

69. The human rights work carried out by MINUSTAH in the post-earthquake period focused on monitoring and mainstreaming human rights in rule-of-law institutions and building a protective environment (particularly for the most vulnerable population). The Human Rights Section coordinated with the Mission's Justice and Correction Sections and the police component to monitor human rights in detention centres and to mainstream human rights into the various training activities carried out by Mission staff and their Haitian counterparts. The Human Rights Section dedicated a Human Rights Adviser to the United Nations Police Commissioner. The adviser led the Section's response to human rights concerns affecting the Haitian National Police and the justice system, increased focus on related issues (including mentoring and vetting of the National Police) and initiated a joint security assessment of camps for internally displaced persons.

70. Protection issues were not prioritized across the cluster system in post-earthquake humanitarian assistance. This was attributed to weak leadership by MINUSTAH, which noted that it had committed inadequate resources to the work.[31] The Mission perceives that disagreement among cluster members on strategy and activities impeded their work. Some humanitarian organizations preferred an approach that focused on providing basic services for the most vulnerable, while others felt the cluster should focus on providing protection for the most vulnerable. There was also some disagreement on the extent to which the cluster should monitor and advocate a human rights-based approach to all clusters (to ensure that equal access to services is duly considered by humanitarian workers and agencies).

71. The Human Rights Section produced daily, weekly, monthly and annual reports, which were distributed only within the Mission and to the wider United Nations system (including OHCHR and United Nations Headquarters). Decisions on issuing human rights reports to the public were made on a case-by-case basis, depending on how best to use the reports strategically. MINUSTAH intentionally chose this strategy over a "name and shame" approach.

72. The policy directive on human rights in United Nations peacekeeping operations and political missions states that periodic six-monthly public reports monitoring human rights abuses should be the general rule.[32] However, since the earthquake, the only human rights reports shared publicly have been on human rights violations by the Haitian National Police.[33] A few external stakeholders who were interviewed by OIOS expressed interest in accessing more human rights reports from the Mission.

## V. Conclusions

73. MINUSTAH proved resilient and mobilized effectively immediately after the earthquake, although its ongoing efforts to increase the capacity of the Haitian National Police and other rule-of-law institutions have faced challenges. As the

[31] "Haiti: still trapped in the emergency phase", Refugees International, field report, 6 Oct. 2010.

[32] Policy directive on public reporting by human rights components of United Nations peace operations and political missions, 1 July 2008.

[33] MINUSTAH press release, 27 December 2011 (http://minustah.org/?p=33385).

country was recovering and reconstructing, the Mission maintained its relevance by realigning its activities — focusing on maintaining political stability, facilitating the continued delivery of humanitarian assistance, trying to restore the capacity of the Haitian National Police and building the capacity of judicial and correctional institutions. During this period the Mission was also instrumental in supporting national elections.

74. After the inauguration of President Martelly in May 2011, MINUSTAH shifted from emergency and recovery efforts back to its core mandate of institutional and capacity-building, particularly in the area of the rule of law. Nevertheless, the subsequent political deadlock forced MINUSTAH to devote most of its strategic efforts to facilitating basic political consensus.

75. In contributing to the building of sustainable key State institutions, MINUSTAH has confronted hurdles, mainly due to political instability and weak absorptive capacities. This has resulted in weak national ownership of capacity-building initiatives. The Mission's work has also been hampered by the lack of a common United Nations approach to support rule-of-law institutions. While integration with the United Nations country team may have occurred at the strategic level, it did not always take place at the operational and technical levels. It is unclear, with different origins, funding sources, structures and mandates, exactly how the Mission and the country team can effectively work together to implement an exit strategy for the Mission.

76. Challenges remain: the misalignment between the high expectations held for MINUSTAH and its capacity to deliver poses risks to the reputation of the United Nations. Managing public expectations should be an integral element of the Mission's continued efforts to build public confidence.

77. As the Mission looks to ultimately leaving Haiti, the strength of the rule-of-law institutions, including the Haitian National Police, will be the most important yardstick. Building these institutions requires long-term efforts over time. The short-term planning cycle of peacekeeping missions, which creates pressure for immediate results, is not necessarily conducive to the long-term horizon needed for institutional sustainability.

78. Prioritization is therefore crucial. Strengthening rule of law should be a central theme. The Mission must focus on the urgency of this task and address the multiple bottlenecks in building institutions. In order for those efforts to produce sustainable results, MINUSTAH's actions must be matched with a willingness and ability on the part of the Haitian Government to reform and develop rule-of-law institutions. The resignation of Prime Minister Conille in February 2012, about which the Secretary-General and the Special Representative of the Secretary-General expressed deep concern, puts further progress in the area of rule of law at risk, since the Mission lacks a Government partner at the highest level with whom to liaise. Without national ownership of reforms, the police, justice and corrections institutions will remain weak, and results fleeting.

79. Successful institution-building requires mutual accountability between the Government of Haiti and the international community in order to ensure political reconciliation and to reduce the State's dependence on external support for security and other basic services. MINUSTAH, the Government of Haiti and the international community all share responsibility in strengthening and reforming key institutions.

MINUSTAH can facilitate more coordinated efforts by the international community based on a mutually agreed set of benchmarks. At the same time, Haiti also needs faster flowing and better coordinated development assistance in order to be able to take advantage of the current stability to lay a solid foundation for its socio-economic development and break the recurring cycles of violence and instability.

80. MINUSTAH is first and foremost a political instrument of the international community to assist the building of lasting peace and stability in Haiti. It is not an instrument that will deliver on all wishes, and its effectiveness and utility are dependent on concerted collective will. Stronger and consensual political support from Member States, particularly those in the Group of Friends of Haiti,[34] is imperative to enable MINUSTAH to carry out this role effectively.

# VI. Recommendations

81. OIOS submits the following recommendations:

**Critical recommendations**

1. MINUSTAH should expedite consultations with Haitian counterparts for the early adoption of the proposed Haitian National Police development plan 2012-2016 and identify key priorities to better focus its own support, with input from the Department of Peacekeeping Operations.

2. MINUSTAH, together with the United Nations country team, should renew efforts to strengthen a common United Nations approach to supporting rule-of-law initiatives, while taking immediate action to coordinate the Mission's components. To that end, MINUSTAH should clarify and strengthen the role of the Rule of Law Coordinator.

3. MINUSTAH, alongside the international community, should develop a compact with the Government of Haiti to reform the rule of law and other essential governing institutions. Such a compact should formally set out responsibilities for achieving mutually agreed benchmarks and serve as a means to enhance mutual accountability among partners.

**Important recommendations**

4. MINUSTAH should examine the double-hatting of its Human Rights Section and propose means to: (a) assist the Human Rights Section to strengthen implementation of the human rights mandate; and (b) simplify and harmonize related programmatic reporting.

5. MINUSTAH should revisit its current practices of limited public reporting on human rights and release more comprehensive human rights monitoring reports on a regular basis.

[34] Argentina, Brazil, Canada, Chile, France, Mexico, the United States of America and Uruguay.

# Annex

## Memorandum dated 9 March 2012 from the Assistant Secretary-General for Field Support addressed to the Director of the Inspection and Evaluation Division, Office of Internal Oversight Services[a]: comments of the Department of Peacekeeping Operations, the Department of Field Support and the United Nations Stabilization Mission in Haiti on the report of the Office on the programme evaluation of the Mission

1. I refer to your memorandum, dated 24 February 2012, addressed to Mr. Ladsous and Ms. Malcorra regarding the above-mentioned evaluation. Please find below our comments on the findings and recommendations contained in the draft report. In formulating our response, we have conferred with the respective officials of the United Nations Stabilization Mission in Haiti (MINUSTAH) and their comments have been incorporated in this response.

### Background

### Paragraph 10

2. The Department of Peacekeeping Operations clarifies that the Security Council resolutions quoted are not limited to integrated border management approach, but also include efforts:

(a) To support the constitutional and political process under way in Haiti, including through its good offices and, in cooperation with the Government of Haiti, to promote all-inclusive political dialogue and national reconciliation;

(b) To accelerate efforts to reorient its disarmament, demobilization and reintegration efforts towards a comprehensive community violence reduction programme, as decided in Security Council resolution 1702 (2006), in close coordination with the Government of Haiti and other relevant actors;

(c) To provide operational support to the Haitian Coast Guard, and to invite Member States, in coordination with MINUSTAH, to engage with the Government of Haiti to address cross-border illicit trafficking of drugs and arms and other illegal activities.

3. The 2012-2016 Haitian National Police development plan addresses the strengthening of police service in Haiti. Capacity-building efforts for the Haitian National Police are centred on the National Police School (former Academy), which has been supported to provide basic training of recruits as well as specialized and in-service training. Police-contributing countries have also deployed skilled personnel to the development of the capacities and skills of the National Police, particularly in

[a] The Office of Internal Oversight Services (OIOS) herewith presents the full text of comments of the Department of Peacekeeping Operations, the Department of Field Support and the United Nations Stabilization Mission in Haiti (MINUSTAH) on the OIOS programme evaluation of the Mission. This practice has been instituted pursuant to General Assembly resolution 64/263, following the recommendation of the Independent Audit Advisory Committee.

areas such as sexual and gender-based violence, public security, close protection, crowd control, criminal investigation, anti-narcotics activities and civil protection.

**Results**

**Paragraph 22**

4. To be more accurate, we suggest amending the three points listed in the report to include a graduated time frame, as follows:

(a) January-June 2010: ensuring a stable and secure environment; facilitating delivery of humanitarian assistance; and rebuilding the Mission's capacity, including through the provision of care to staff affected by the earthquake;

(b) July-December 2010: ensuring a stable and secure environment; facilitating delivery of humanitarian assistance; providing electoral support; restoring and strengthening State capacity;

(c) January-June 2011: ensuring a stable and secure environment; facilitating cholera response; providing electoral support; strengthening State capacity; restarting pre-earthquake programmes.

**Paragraph 30**

5. The statement that few capacities were retained and that no capacity-building was done owing to the lack of a counterpart in the post-electoral period is incorrect. Despite the continued provisional nature of the Electoral Council and the restructuring of regional and communal electoral offices, the electoral management body at the central level, under the supervision of the Director-General, continues to function. MINUSTAH has managed to consolidate the capacity of the remaining Haitian electoral authorities while also retaining key institutional memory during this transitory period, allowing it to start working on the preparation of the upcoming elections. These achievements will allow a restructured electoral council to begin preparations for upcoming elections immediately following its creation, although it will need to continue to rely on external support in several areas.

**Paragraphs 37 and 38**

6. The findings in the report are in line with the overall findings of a comprehensive lessons learned study on the management of quick-impact projects in peacekeeping missions undertaken by the Policy, Evaluation and Training Division of the Department of Peacekeeping Operations and the Field Budget and Finance Division of the Department of Field Support in 2010/11. The lessons learned study identified, among other issues, the need to further streamline administrative and financial procedures in order to ensure that the confidence-building impact of quick-impact projects is not undermined by delays in processing payments and highlighted the need to make dedicated engineering expertise available for such projects. Furthermore, a key recommendation of the study was to increase the budget ceiling of projects from a maximum of $25,000 to $50,000 in order to: enhance the range of projects that could be implemented; ease the project management burden on missions by allowing them to implement a smaller number of slightly larger projects; decrease management costs relative to overall programme budget size; and enable missions to better attract reliable and capable implementing partners. Findings from the above-mentioned lessons learned study guided the revision of the Department of

Peacekeeping Operations/Department of Field Support policy directive on quick-impact projects (2007), which is currently being finalized.

**Paragraph 54**

7. The insufficient progress in building strong rule-of-law institutions was largely due to the lack of national counterparts with a clear will to reform, which has been the case until recently.

**Paragraph 55**

8. An important accomplishment worth acknowledging is the development of a national strategy on rule of law by a team assembled by the President of Haiti together with MINUSTAH. This strategy has been fully adopted by the new Government. The rule-of-law compact was proposed by the Group of Friends of Haiti at a meeting held in New York in October 2010, and MINUSTAH has begun the process of realigning its priorities and resources in support of that initiative. The compact was an idea of the donors, an idea of which the Haitian partners never officially approved, making it difficult to pursue. Also, the lack of political buy-in by the Government of Haiti has been a major factor affecting the development of rule-of-law institutions.

**Paragraph 56**

9. We suggest adding the following sentence at the end of the paragraph: "Especially after the earthquake, MINUSTAH and UNDP elaborated a joint emergency programme."

**Paragraph 57**

10. We suggest replacing the paragraph with the following text:

> "MINUSTAH included within its description of rule of law a broad range of issues, including border management, a functioning tax system and an operational public administration system in the regions. The Mission has a Rule of Law Coordinator position. While efforts to empower the Coordinator were thwarted by the earthquake-induced halt to the Mission's capacity-building activities, ambiguity in reporting lines between the Rule of Law Coordinator and the relevant sections of MINUSTAH, such as the Justice Section and the Corrections Unit, may also have impacted the Mission's progress in this arena. The intended coordination role envisioned for the Coordinator has not been realized, as demonstrated by the fact that the activities implemented by the Coordinator's office and the Justice Section sometimes overlap. At the time of the present evaluation, the Coordinator position had been vacant for more than six months. The Mission is re-evaluating the position in the context of adjusting its overall approach to building capacity and institutions. Meanwhile, coordination on specific rule of law issues is de facto taking place between Mission components, including the Justice Section, the Human Rights Section, the Corrections Unit and United Nations police. By the end of 2011, the Rule of Law Coordination office was facilitating coordination regarding the Mission's response to extended detention in police commissariats, with the operational sections deploying joint teams to the field and the Coordinator's office conducting coordination meetings."

**Paragraph 58**

11. We suggest adding the following text in the paragraph: "The Haitian National Police reform plan was to transform the development of the National Police into a modern, professional and democratically-oriented police service that will respect the human rights of the citizen and have the trust of the Haitian people. The time frame for implementation of the Haitian National Police reform plan marked a period of intense political activity, continued social tensions and a nearly continuous state of humanitarian crisis with the earthquake of 2010. These events have served to test the fragile and relative stability that Haiti has endured, highlighting the need for a more capable and more professional National Police. Hence the reform plan was indeed a clear and timely road map for ensuring a strengthened police institution that has served as the cornerstone for the continued stability of Haiti."

**Paragraph 66**

12. We request that the last sentence in the paragraph be amended to read: "As is typical at United Nations integrated peacekeeping missions the Human Rights Section also served as the representation in Haiti of the Office of the United Nations High Commissioner for Human Rights (OHCHR) and after the earthquake it led the protection cluster for the global protection cluster."

**Paragraph 68**

13. The Human Rights Section noted that its double-hatting allows it to embody the kind of "One United Nations" integration that, by common consensus, is needed within the Organization. The Human Rights Section participates in MINUSTAH senior-level policy, strategy and programming meetings. It also sits in senior policy, strategy and programming meetings of the United Nations country team. Throughout 2010 and 2011, it was also a core member of the equivalent humanitarian cluster. Substantively, the Section emphasized that the double-hatted role allowed it to strengthen a holistic approach to human rights across the United Nations peacekeeping, development and humanitarian mandates. The key obstacles to turning this vote into a strength rather than a weakness is ensuring coherence in the demands from each different reporting line and ensuring that the Human Rights Section has the staffing capacity to manage the demands.

**Paragraph 70**

14. In order to more accurately reflect the facts, we suggest that the paragraph be reworded to read:

> "Through the Human Rights Section's leadership in human rights protection and humanitarian protection, MINUSTAH defined protection in terms of human rights and the mechanisms, such as law enforcement and justice, that help to ensure the respect and protection of human rights. This contrasted with definitions of protection from some actors in the humanitarian community, as including the distribution of food, shelter, water and sanitation support. MINUSTAH argued forcefully that the latter category of activities was already well-covered by the respective shelter, food, water, sanitation and hygiene and camp management clusters, and that including them within 'protection' would only serve to duplicate what was already being done by other clusters and to draw resources away from the human rights focus of protection, which no one

else was addressing. As noted above, the Human Rights Section emphasized that it found it extremely useful to be able to take a holistic approach to protection that embraced human rights, protection of civilians and humanitarian protection, avoiding the pitfalls of compartmentalized protection, and that allowed MINUSTAH to play an important role in the humanitarian cluster response in an area where it brought added value and remained within its core mandate. A particular strength of the Protection Cluster, derived from its leadership by a MINUSTAH mission component, was the fact that within four weeks of the earthquake it had regional clusters in six of Haiti's Départements, one subregion and one commune. Throughout the humanitarian response, the protection cluster had a much wider field presence than any other cluster or any other humanitarian actor, the large majority of which only functioned in Port-au-Prince."

**Paragraph 72**

15. In 2010, the Human Rights Section, through the protection cluster, publicly released monthly situation reports that included an analysis of the evolving human rights and protection situation, and the actions being taken. In spring 2011, the Section publicly released a joint United Nations (United Nations country team and MINUSTAH) report describing the situation of a wide range of economic, social, cultural, civil and political rights prepared for presentation to the Human Rights Council in the context of the universal periodic review of Haiti. In January, May and July 2011, under its Office of the United Nations High Commissioner for Human Rights (OHCHR) hat, the Section issued three press statements regarding, inter alia, forced evictions from post-earthquake camps. In December 2011, the Section released two reports of its investigations into a series of alleged illegal killings by the police. A few external stakeholders who were interviewed by OIOS expressed an interest in accessing more human rights reports from the Mission.

**Paragraph 78**

16. The issue on the resignation of the Prime Minister of Haiti should be mentioned as well as the efforts of MINUSTAH to liaise with the Government of Haiti for the urgent replacement of the Prime Minister.

**Recommendations**

**Recommendation 1**

17. We suggest that the recommendation be amended to include the following: "To that end, MINUSTAH should clarify the scope of rule of law, as applied in Haiti, and review and strengthen its approach to coordination of rule of law."

18. MINUSTAH concurs with the reworded recommendation. The 2012-2016 Haitian National Police development plan adopted by the Director-General of the National Police on 1 March 2012 is awaiting final approval from the members of the Superior Council of the National Police. MINUSTAH stands ready to further support the final approval phase as well as the implementation of the plan. Implementation of the recommendation is dependent on approval of the development plan by the Government of Haiti.

**Recommendation 2**

19. MINUSTAH concurs with the recommendation. MINUSTAH and the United Nations country team are currently in the process of drafting an integrated strategic framework for 2013-2016, which includes cooperation on rule-of-law issues. In February, MINUSTAH and the country team held a two-day retreat to discuss and formulate the integrated strategic framework, as well as to identify ways to strengthen a common approach on mandate implementation. Representatives of the Government of Haiti participated in several sessions of the retreat. It is expected that the consolidated integrated strategic framework document will be presented to the Government of Haiti for approval by June 2012.

**Recommendation 3**

20. MINUSTAH concurs with the recommendation. On numerous occasions, MINUSTAH has pushed for the elaboration and adoption of a global compact with the Government of Haiti. Despite these attempts, the Government of Haiti has never taken action. Efforts have been made and will continue to be made to push for the elaboration of such a compact. Implementation of the recommendation is dependent upon approval of the compact by the Government of Haiti.

**Recommendation 4**

21. We suggest that recommendation number 4 be reworded to read:

> "In light of double, and sometimes triple-hatting of human rights components in peacekeeping missions, OHCHR and the Department of Peacekeeping Operations should give further consideration to the number and level of staff at the D-1, P-5 and P-4 levels required by particular human rights components in view of their multiple mandates."

22. We trust that OHCHR will provide its comments on the recommendation. However, the Department of Peacekeeping Operations considers that the primary challenge created by the multiple-hatting was the lack of staffing resources at Mission headquarters to cope with the incoherent multiple programmatic responsibilities. When mission components are first being designed, additional consideration should be given to their staffing in order to ensure that they operate effectively.

**Recommendation 5**

23. We suggest that recommendation number 5 be reworded to read:

> "MINUSTAH should make better use of the human rights information collection, analysis and reporting that already exists within the Mission, and consider ways of making more of this existing information public in a manner that furthers the Mission's objectives and responsibilities."

24. MINUSTAH concurs with the reworded recommendation. In December 2011, OHCHR published two reports of the Human Rights Section on alleged killings by the Haitian National Police. Four other reports of the Section should be published by June 2012.

25. Thank you for the opportunity to comment on the draft final report. We stand ready to provide any further information that may be required.